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First name: Gary

Last name: Macfarlane

Organization: Wilderness Watch

Title:

Comments: RE: OBJECTION TO THE DRAFT RECORD OF DECISION FOR THE REVISED GILA NATIONAL FOREST LAND MANAGEMENT PLAN, SENT VIA THE INTERNET

Wilderness Watch submits these objections on the Gila National Forest Land Management Plan (FP) and draft Record of Decision (DROD) pursuant to 36 C.F.R. [sect] 219. These comments are specific to the Wilderness portions of the FP. The responsible official for this project is Camille Howes, Forest Supervisor for the Gila National Forest.

Wilderness Watch is a national wilderness advocacy organization, headquartered in Missoula, Montana, dedicated to the protection and proper administration of the National Wilderness Preservation System. Wilderness Watch members use and value, and will continue to use and value, the Gila, Aldo Leopold, and Blue Range Wildernesses for personal and professional pursuits, including hiking, plant and wildlife viewing, and plant and wildlife study. Wilderness Watch members also value these Wildernesses for their own sake. Wilderness Watch members value knowing that Wilderness is protected as Congress intended[mdash]that it is administered as an untrammeled landscape where natural processes, rather than intentional human interference, dictate conditions[mdash]whether or not they ever set foot inside the Wilderness on the Gila National Forest. As more fully described below, the Forest Service[rsquo]s proposed action would adversely affect Wilderness Watch[rsquo]s organizational interests, as well as its members[rsquo] use and enjoyment of the Wilderness.

Wilderness Watch submitted comments on the draft Forest Plan on April 13, 2020. We refer to the pertinent pages of our comments in the following objection points.

We would appreciate the opportunity to discuss this objection with the Regional Forester and the Forest Supervisor.

Introduction

Our comments (pages 1 to 3) went into some detail about wilderness character, the purpose of Wilderness, and the prohibitions in Section 4(c) of the Wilderness Act. A major concern with the approach in the Plan (see page 235) is the erroneous idea that Wilderness can be carved up into five competing qualities. This concept first came about in the wilderness character monitoring protocol. It has never gone through rulemaking. Our comments noted, [ldquo]Rather than simply referring to wilderness character, and leaving managers to make so-called trade-offs, the forest plan direction should more fully address what the Act actually says with the goal to allow Wilderness to be wild.[rdquo]

Also regarding the prohibitions, the Plan on page 235 lists only permanent roads, motorized transport, and mechanized transport as being prohibited. The omission of structures, installations, motorized equipment, and temporary roads raises problems as we detail below in some of the specific plan components.

Remedy: Add the full slate of prohibitions in section 4(c) on page 235 of the Plan.

Wilderness Forest Plan Components

Throughout this section, the Forest Plan components are in *italics* with our concerns and proposed remedies in regular font. The numbers for each component in each category refer to the same numbers used in the Forest Plan.

Desired Conditions (page 237).¹ By way of introduction, Wilderness is about natural processes not specific human-desired conditions (see our comments on page 2, especially footnote 3).

1. - Designated wilderness areas exhibit wilderness character and provide for the purpose of wilderness, which is the use and enjoyment of the American people. (Emphasis added). This is a new additions to the desired conditions from the draft Plan and is worded. The Forest Service Manual directs the agency to maintain or improve character at 2320.6 Also, the purpose of Wilderness in section 2(a) can be summed up as the preservation of the area as Wilderness.

Howard Zahniser, the author of the Wilderness Act, stated in a hearing before Congress in 1962, [ldquo]The purpose of the Wilderness Act is to preserve the wilderness character of the areas to be included in the wilderness system, not to establish any particular use.[rdquo] This directive was codified in the statute with the clear mandate in Section 4(b) that [ldquo]each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.[rdquo]

Remedy: Eliminate this desired condition and put #3, which is about natural processes, as the first desired condition.

1. - The landscape is essentially undeveloped and natural. Constructed features exist only when they reflect the historical and cultural landscape or are the minimum necessary for administration of the area as wilderness. (Emphasis added). This adds an exception to the Wilderness Act that does not comport with section 4(c). Further page 174 of the Plan states [ldquo]Cultural resources should not be actively managed or interpreted in congressionally designated wilderness. Visitor information regarding prehistoric and historic resources within designated wilderness should be provided at district offices or nearby educational and interpretive displays located outside of wilderness boundaries, and not within designated wilderness boundaries.[rdquo] This direction seems contradictory to this desired condition.

1? For desired condition #6, see the subsection on standards.

Remedy: If this is retained, change it to: The landscape is essentially undeveloped and natural. Constructed features exist only when they are the minimum necessary for administration of the area as wilderness.

5- Unique features and experiences are preserved as an element of wilderness character. This adds something to the Wilderness Act that is not present (unique experiences) and it is not defined in the Plan. As explained in our comments on pages 1 to 3, breaking down wilderness character into various elements is highly problematic.

Remedy: Delete this section.

8- Special-use authorizations facilitate the use and enjoyment of wilderness character, wilderness education, or protection and do not adversely affect wilderness character. (Emphasis added). We infer this means commercial services, the term used in the Wilderness Act. Is that accurate?

Remedy: Clarify and change to commercial services. Standards (pages 237 and 238).

1- No more than 15 persons and 25 head of pack and saddle stock are permitted within a single group unless otherwise noted in a wilderness management plan. Exceptions may include emergency services, or management activities for maintaining wilderness character. Special-use permits or formal written agreements may allow for exceptions for groups that agree to mitigation terms and demonstrate a high proficiency for Leave No Trace ethics if approved by the Forest Supervisor or designated agent. We addressed this in some detail in our

comments on pages 4 and 5. Further, page 30 of the DROD is confusing in that it suggests the numbers are actually less for outfitters, yet page 240 of the Plan suggests it could be more. Regardless, the number is too high (see attached research).

Remedies: Clarify what the stock and party size limits actually are for the public and outfitters (commercial services). Make the numbers consistent for all, and not subject to changes, unless reduced in specific wilderness management plans. Use research to guide the selection of party size.

3- A minimum requirements analysis must be used when considering nonconforming or prohibited uses in designated wilderness. While this is good, as far as it goes, NEPA must also be followed. At the very least, an environmental assessment must be used, preferably an environmental impact statement for nonconforming and prohibited actions. See our comments on page 3.

Remedy: Add that adequate NEPA analysis (not a categorical exclusion) must be done, not just a minimum requirements analysis.

4- Treatment of non-native invasive species must use methods consistent with maintaining, restoring, or enhancing wilderness character. What the agency means by this needs to be clarified. Does it include use of herbicides, motorized use, or introduction of non-native species? Also, it may be unrealistic to think that all non-native invasive species can be eliminated (see also desired condition #6). Our comments on pages 2 to 4 address this issue, including a discussion about prevention of weeds. We also stated on page 2, [ldquo]The agency seems to want to meddle in Wilderness and that desire seems to be increasing. Ecological manipulation, regardless of how well-intended, is not in keeping with untrammelled wilderness.[rdquo]

Remedy: The standard should be clarified and changed to emphasize prevention. Guidelines (page 238).

1- Intervention in natural processes through management actions should only occur if it is necessary to preserve wilderness character, protect public health and safety, uphold other federal laws and regulations, or conform with a valid existing right. This long list suggests avenues that the agency can use to circumvent wilderness protections. It also puts the Wilderness Act in conflict with other regulations and laws, and suggests Wilderness is less important, rather than harmonizing federal law. Without further clarification, it is hard to see what is really intended by this component. As written, almost anything could be justified in Wilderness. See also standard #4.

Remedy: Eliminate this guideline or rewrite it to be clearer.

4- New trail construction or existing trail realignment should only occur where it is necessary to facilitate the use and enjoyment of wilderness or protect public health and safety. These trails or trail segments should be designed, built, and maintained as minimally to moderately developed. Trail realignment is rarely needed and usually done for resource protection. New trails in Wilderness have usually been avoided as they do have an impact on the Wilderness and the agency already has a trail system in place. As such, this guideline needs to be better explained.

Remedy: Clarify the intent of this guideline and rewrite or delete it.

There is a long section subsection on Management Approaches that emphasizes partnerships rather than agency professionals and includes a special section for outfitters and guides. We noted in our comments:

The discussion of devolving wilderness administration to volunteers and partners is very disappointing. GAO reports have shown that agency funds dedicated to some resources are spent elsewhere. In essence, the agency's budget process is inscrutable making it unaccountable to the public. Thus, it is overly simplistic to blame the problem on lack of appropriated funds without knowing how those funds are actually spent or if

they're even being requested. While volunteers may be important, they are not accountable to the public and they don't build a professional agency program, which is so sorely needed.

The agency needs to prioritize Wilderness funding and stop treating it as the stepchild of agency programs. It speaks volumes when the Forest Service suggests volunteers can do the wilderness job, but it doesn't use volunteers for the forestry, engineering, range, or other professional positions.

Remedy: Delete this section from the plan. Such direction, if needed, is better suited to more specific wilderness management plans.

Vegetation Treatments

Forest Plan (pages 68, 72, 76, 80, 85, and 94) calls for extensive use of prescribed fire, naturally ignited fire, and mechanical methods to maintain or move toward desired conditions. As noted above, natural processes should determine the desired conditions, not the other way around. The Gila has a long history of natural fire in the Wilderness. Mechanical treatments and prescribed fire trammel Wilderness.

Remedy: Exclude mechanical treatments and prescribed fire in Wilderness.

Other

Page 181 of the Plan states, "Permitted research promotes a greater understanding of ecological, social, cultural, and economic systems, and maintains wilderness characteristics in recommended wilderness and wilderness character in designated wilderness." The Forest Service Manual at 2324.4, .41, and .42 is clear that agency policy is directed at wilderness dependent research.

Remedy: Change the Plan to require that only wilderness dependent research be conducted in Wilderness and that it be done in a wilderness-compatible manner.

Page 183 of the Plan states, "If the agency or applicant goals can be met outside of designated wilderness, special-use permits should not be issued in designated wilderness unless a valid existing right or use existed prior to designation." The prior to designation clause could be a real problem. The Act ends prohibited uses in Wilderness. Further, it is not clear whether special use permits refer only to commercial services or not.

Remedy: Clarify this part of the Plan to ensure that it is compatible with Wilderness.

Sincerely,

Gary Macfarlane

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Wilderness Watch PO Box 9175

Missoula, MT 59807